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6 Attorneys for Plaintiff  
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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13 v.  
14 KARLA MONTOYA,  
15 Defendant.

CASE NO. 2:23-CR-320 KJM JDP

STIPULATION AND ~~{PROPOSED}~~ PROTECTIVE  
ORDER

16  
17 WHEREAS, the parties desire to prevent the unauthorized disclosure or dissemination of certain  
18 sensitive but unclassified discovery materials to anyone not a party to the court proceedings in this case  
19 as provided below;

20 WHEREAS, the sensitive but unclassified discovery materials at issue include information  
21 pertaining to witnesses or potential witnesses in this case, specifically personal identifying information,  
22 bank account information, and residence information;

23 WHEREAS, such sensitive but unclassified discovery materials shall be identified as sensitive  
24 and subject to a protective order at the time of disclosure, whether on the documents themselves or in an  
25 accompanying cover letter;

26 WHEREAS, the parties agree that entry of a stipulated protective order is appropriate, and that a  
27 private agreement is not appropriate in light of the nature of the information at issue and the charges in  
28 this case; and

1 WHEREAS, the defendant, KARLA MONTROYA, has counsel (“Defense Counsel”) who wishes  
2 the opportunity to review the discovery;

3 Defendant and plaintiff United States of America, by and through their undersigned counsel of  
4 record, hereby agree and stipulate as follows:

5 1. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of  
6 Criminal Procedure, its general supervisory authority, and Local Rule 141.1.

7 2. This Order pertains to all discovery provided to or made available to Defense Counsel  
8 that is identified as sensitive and subject to a protective order in this case (hereafter, collectively known  
9 as “the protected discovery”).

10 3. Defense Counsel shall not disclose any of the protected discovery to any person other  
11 than the defendant, or attorneys, law clerks, paralegals, secretaries, experts, interpreters, and  
12 investigators, involved in the representation of his client (“the Defense Team”).

13 4. The Defense Team may show witnesses who are not a part of the Defense Team the  
14 protected discovery in the course of preparing a defense for trial or any related proceedings in this case,  
15 but only if (i) the witness, by reason of their participation in the underlying events or conduct, would  
16 have seen or had reason to know such discovery, or (ii) it is otherwise relevant to the defense of the case  
17 that the Defense Team discuss with or show the witness the protected discovery. Witnesses may only  
18 view the protected discovery in the presence of the Defense Team. No witness or potential witness may  
19 retain copies of the protected discovery after his or her review of those materials with the Defense Team  
20 is complete.

21 5. The protected discovery and information therein may only be used in connection with the  
22 litigation of this criminal case and for no other purpose. The protected discovery may not be shared or  
23 discussed with counsel in any other matters such as civil litigation, except civil litigators who are a part  
24 of the Defense Team. The protected discovery will not be used or introduced, however, in any civil  
25 litigation. The protected discovery is now and will forever remain the property of the United States  
26 Government.

27 6. Defense Counsel, and the Defendant if he retains any copy of any material, will store the  
28 discovery in a secure place and will use reasonable care to ensure that it is not disclosed to third persons

1 in violation of this agreement.

2       7.       If Defense Counsel releases custody of any of the protected discovery, or authorized  
3 copies thereof, to any person described in paragraph (3), Defense Counsel shall provide such recipients  
4 with copies of this Order and advise that person that the protected discovery is the property of the United  
5 States Government, that the protected discovery and information therein may only be used in connection  
6 with the litigation of this case and for no other purpose, and that an unauthorized use of the protected  
7 discovery may constitute a violation of law and/or contempt of court.

8       8.       In the event that the defendant obtains substitute counsel, undersigned Defense Counsel  
9 agree to withhold the protected discovery from new counsel unless and until substituted counsel agrees  
10 to be bound by this Order.

11       9.       Defense Counsel shall be responsible for advising their client, employees, and other  
12 members of the defense team of the contents of this Stipulation/Order.

13       10.      While this Order applies to any copies made of any materials covered by this Order, it  
14 does not apply to any materials that the Defendant or the Defense Team may have or gain access to via  
15 independent means, even if copies or duplicates of those materials may be covered by this Order.

16       11.      This stipulation is without prejudice to either party applying to the Court to modify the  
17 terms of any protective order. This Court shall retain jurisdiction to modify this Order upon motion of  
18 either party even after the conclusion of district court proceedings in this case.

19       IT IS SO STIPULATED.  
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1 Dated: December 22, 2023

Respectfully submitted,

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3 PHILLIP A. TALBERT  
United States Attorney

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5 By: /s/ AUDREY B. HEMESATH  
AUDREY B. HEMESATH  
6 Assistant United States Attorney

7  
8 Dated: December 22, 2023

9 By: /s/ WILLIAM PORTANOVA  
WILLIAM PORTANOVA  
10 Counsel for KARLA  
MONTOYA

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12  
13 **ORDER**

14 IT IS SO FOUND AND ORDERED.

15 DATED: December 22, 2023

16   
Hon. JEREMY D. PETERSON  
17 United States Magistrate Judge  
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